

10/659,778

FIS919990263US2

REMARKS

Applicants appreciate the thoroughness with which the Examiner has examined the patent application. Applicants further appreciate and thank the Examiner for the courtesies extended during the applicant initiated telephonic interview conducted on April 5, 2005, the substance of which has been recorded below. Lisa Jaklitsch, Applicants' representative, and Examiner Christy Novacek participated in the interview. The underscored amendments to independent claim 20 represent the amendments that were proposed and on which agreement was reached during the interview. No new matter has been added. Support for the underscored amendments to claim 20 can be found in at least Figure 3 of the originally filed patent application. Reconsideration is respectfully requested in view of the amendments above and the remarks below.

Claims 20-24, 27, and 29-35 remain pending of which claim 20 is the only independent claim. In the most recent Office Action dated January 13, 2005, all pending claims were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,326,301 to Venkatesan et al. ("Venkatesan") in view of U.S. Patent No. 6,307,265 to Anand et al. ("Anand"). The Examiner stated that Venkatesan discloses the invention but for that Venkatesan "does not disclose that a trench equates to line." The Examiner relied upon Anand to cure the deficiency in Venkatesan.

Venkatesan and claim 20 were discussed during the interview. Claim 20 requires a first and a second layer, the first layer "a substantially fluorine free insulating layer" and the second layer "a fluorine containing insulating layer." In the Office Action, the Examiner relies upon dielectric layer 18 and etch stop 20 for support of a fluorine free insulating layer and dielectric layers 22 and 23 for support of a fluorine containing layer as shown in Figure 9 of Venkatesan.

During the interview, Applicants' representative distinguished claim 20 from Venkatesan and proposed an amendment in accordance with such distinction. More specifically, Applicants' representative pointed out that the dielectric layer 23 in Venkatesan is conformal, whereas the fluorine containing layer in the invention is substantially planar. Applicants' representative proposed that claim 20 be amended to recite "a substantially planar second layer." Applicants' representative explained that dielectric layer 23 in Venkatesan is conformal because, as stated in Venkatesan, "the

10/659,778

FIS919990263US2

dielectric layer 23 is deposited over a contour of the etched layer 22." (Venkatesan, col. 13, lines 33-36). Such is necessary in Venkatesan, Applicants' representative explained, because Venkatesan uses an etch stop 20. By contrast, Applicants' representative explained, the present invention does not require an etch stop.

In response to the Applicants representative's remarks, the Examiner recommended that claim 20 require a second layer with "a substantially planar top surface" to distinguish the claimed invention from the prior art. Applicants have amended claim 20 in accordance with Examiner's suggestion. Therefore, Applicants respectfully submit that the present application is in condition for allowance.

Neither Venkatesan nor Anand disclose a fluorine layer having a substantially planar top surface. Therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. §103(a) claim rejection.

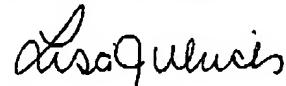
Applicants respectfully submit that claim 20 is allowable and claims 21-24, 27, 29-35 are similarly allowable by virtue of their dependence on an allowable base claim.

For the foregoing reasons, it is respectfully submitted that the present application is in condition for allowance.

Reconsideration and allowance of pending claims is respectfully requested.

Respectfully Submitted,

Edward Barth, et al.



Lisa J. Ulrich
Telephone: (845) 894-3338

International Business Machines Corporation
Zip 482
2070 Route 52
Hopewell Junction, NY 12533
Fax No. (845) 892-6363